Zoning Ordinance Amendment – Congregate Living Facilities

Staff Summary and Draft Text

The Zoning Ordinance Work Program (Work Program), endorsed by the Board of Supervisors (Board) on June 24, 2025, lists Congregate Living Facilities as a Priority 1 item (Topic #5). This item directs staff to review zoning provisions for congregate living facilities to potentially expand the zoning districts where congregate living facilities are permitted and to broaden the definition and standards to include uses like homeless shelters and supportive housing. This item was carried over from the 2023/2024 Work Program Topic 2B and December 6, 2022, Board matter. The work program item is also a response to a Board Housing Committee meeting on November 22, 2022, which discussed zoning considerations to address people experiencing homelessness.

Background and Existing Provisions

The Zoning Ordinance currently classifies a congregate living facility as a residential use within the group living category. A congregate living facility provides housing and supportive services to individuals requiring those services and is distinguished from other similar uses, as shown in Table 1 below, by allowing larger residential capacities, permitting a broader range of support services without restrictions relating to age or medical condition, and serving a wider range of populations. A homeless shelter, supportive housing, or other similar facility that is operated by the County and meets the definition of a public use is not considered a congregate living facility.

Existing Provisions

The Zoning Ordinance currently defines a congregate living facility as follows:

> A facility that provides housing and general care on a permanent or temporary basis, including the provision of on-site supportive services, such as special care and treatment, in a supervised setting with on-site counselors or other staff. This use includes facilities providing in-patient alcohol and addiction treatment and services and facilities for the care of more than eight persons with disabilities. This term does not include a group household unit, group residential facility, assisted living facility, specialized instruction center, or any facility providing services or treatment to nonresidents of the facility.

A congregate living facility is permitted by special exception (SE) approval by the Board of Supervisors (Board) in all conventional residential districts, except for the R-A (Rural Agricultural) District, and in some commercial districts (C-1 through C-4). A congregate living facility is permitted in the planned districts if shown on a development plan or by SE (✓/SE).

Under the use standard found in subsection 4102.3.E, a congregate living facility that has the external form and character typical of a single-family detached dwelling must comply with the setback

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requirements for a single-family detached dwelling in the zoning district in which it is located; any other congregate living facility must be located at least 100 feet from all lot lines that abut the R-1, R-2, R-3, or R-4 Districts and 45 feet from all other lot lines, or as determined by the Board.

Table 1: Comparison of Similar Uses

Use	Type of Support	Zoning Permissions	Key Distinctions
Congregate Living Facility	On-site supportive services in a supervised setting; includes in-patient alcohol and addiction treatment and the care of more than eight persons with disabilities	SE[1] in R-C to R-MHP and C-1 to C-4; ✓/SE[2] in PDH, PRM, PDC, PTC, and PCC; ✓/SE in PRC except convention/conference center	Addresses a broad range of populations needing care; allows more than 8 residents; not specifically age or disability based
Group Residential Facility	Facility with up to 8 residents that is (i) state licensed and residents have mental illness, intellectual or developmental disabilities; (ii) state licensed by VDSS and residents are aged, infirm, or disabled; or (iii) not licensed and residents have a disability; includes on-site staff; does not include treatment for those currently using or addicted to a controlled substance.	Permitted in all districts where residential uses are allowed by right, consistent with Va. Code §15.2-2291	State-licensed except when occupied by up to 8 disabled residents; protected as a by-right residential use under state code; facilities exceeding 8 residents or not meeting these criteria are considered a congregate living facility
Assisted Living Facility	Licensed supervised residential care with daily living assistance; includes facilities for memory care	SE in R-E to R-MHP; SE in C-1 to C-8, SE in I-2 to I-6; ✓/SE in PDH, PRM, PDC and PTC; ✓/SE in PRC except convention/conference center; type of medical care facility	Licensed medical facility; Includes memory care services for older adults or persons with disabilities who are unable to live independently
Independent Living Facility	Residential development with services for older adults or persons with disabilities (e.g., meals, recreation, emergency systems) with on-site staff	SE in R-E to R-MHP and C-1 to C-4; ✓ in PDH, and PRM, ✓/SE in PRC except convention/conference center, ✓/SE in PTC	Limited to older adults or persons with disabilities;
Group Household	Shared living among 5-10 unrelated people or a family with more than two roomers/boarders in a single household.	SP[3] in R-E to R-MHP; ✓/SE in PDH, PDC and PTC; ✓/SE in PRC except convention/conference center	No on-site services

[1] **SE:** Special Exception approval by the Board of Supervisors
[2] **✓/SE:** Permitted if shown on a development plan or by SE
[3] **SP:** Special Permit approval by the Board of Zoning Appeals

Zoning Ordinance History and Recent Approvals of Congregate Living Facilities

Congregate living facilities were added as a use in the Zoning Ordinance through a Zoning Ordinance Amendment approved on May 19, 2003, which redefined and renamed the previous use of "institutions providing housing and general care to the indigent, orphans, and the like." The term was updated to remove outdated terms and to reflect the broader range of support services that could be provided in a congregate living environment. The amendment did not modify the special exception standards for the use. The definition and standards were carried forward with the adoption of the new Zoning Ordinance in 2021, with minor edits for plain language.

Since the 2003 Zoning Ordinance Amendment referenced above, six SE applications have been approved as detailed in Table 2:

Table 2: Recent Approvals of Congregate Living Facilities

Application Number	Approval Date	Applicant	Zoning District	Population Served	Number of Residents/Staff
SE 2022-SU-00004	April 22, 2025	Leaving the Jar	R-C	Survivors of human trafficking	12 (including two resident staff)
SE-2022-BR-00042	September 12, 2023	Tiffany D. Santana	R-3	Women escaping domestic violence	7 residents (including one resident staff)[4]
SE 2021-SP-00023	August 2, 2022	Clementine Twin Lakes	R-C, WS	Adolescents with eating disorders	12 residents, 12 nonresident staff
SE 2019-SP-006	July 30, 2019	Clementine Twin Lakes	R-C, WS	Adolescents with eating disorders	12 residents, 12 nonresident staff
SE-2014-MA-003	July 29, 2014	Kenneth H. Fisher	R-2, HC	Women survivors of domestic violence and their children	16 residents (including children and one resident staff)
SE-2006-MA-031; SEA 2006-MA-031 (SEA to permit addition of nursery to church)	June 4, 2007; May 14, 2013	The Most Reverend Paul S. Loverde	R-4	Retired and current priests and church staff	21 residents

[4] Although this facility is limited to seven residents, the use does not otherwise meet the definition of a group residential facility since state licensure is not required and the facility was not proposed to be occupied by persons with a disability.

Jurisdictional Research

Staff has researched the zoning regulations relating to congregate living facilities, including shared housing and supportive services, in neighboring jurisdictions and that research is summarized below.

Table 3: Comparison of Comparable Uses in Neighboring Jurisdictions

Jurisdiction	Comparable Use	Permissions	Definition
City of Alexandria	Congregate housing facility	Allowed in most **commercial and mixed-use districts** with a **special use permit** (public hearing required).	A structure other than a single-unit, two-unit, townhouse, or multi-unit dwelling where unrelated persons reside under supervision or 24-hour on-site management and may receive special care, treatment or training, on a temporary or permanent basis.
Loudoun County	Congregate housing	**By right** in most **Transit Related Center and Town Center districts;** requires **special exception** approval, (public hearing by the Board of Supervisors) in **Suburban Neighborhood and Suburban Compact Neighborhood** districts	Establishments providing housing services such as: (A) emergency shelter for victims of violence/abuse; (B) temporary shelter for homeless/runaway youths/medical crises; (C) transitional housing; (D) more than 8 residents with disabilities, aged, infirm, or disabled persons; or (E) other facilities for care, treatment, training, including orphanages.
Arlington County	Social Service Institution	Allowed with **use permit** (public hearing by the Board of Zoning Appeals) in most **residential, commercial, and all industrial districts**	Includes: alternative/post-incarceration facilities; counseling; occupational therapy; psychiatric/alcohol/drug treatment residences; halfway houses; neighborhood resource centers; rehabilitative clinics; rescue missions; soup kitchens; transient lodging or homeless shelters; treatment centers.

Montgomery County, MD	Residential Care Facility	Categorized by size: (a) **Up to 8 residents:** permitted **by right** in all residential, commercial/residential, and some employment zones; (b) **9 - 16 residents: Conditional use** (public hearing) in low-density residential, by right in multi-unit and some commercial/residential, **Limited use** (no public hearing but includes additional standards) in some employment zones; (c) **16+ residents: Conditional use** in all residential, by right in commercial/residential, **Limited use** in other commercial/residential; not permitted in industrial zones	Group-care arrangement providing personal services, supervision, or assistance for daily living. Must meet federal/state/county licensing. Staff may live on-site. Resident count includes staff. Includes nursing homes, assisted living, continuing care communities, hospices, group residential facilities. Excludes hospitals or independent living facilities.
Prince William County, VA	Recovery Home	Allowed with a **special use permit**, requiring a public hearing by the Board of County Supervisors, in all **residential and agricultural districts** and in residential areas of the **Planned Mixed Residential District**; permitted **by right** in **mixed-use community and mixed-use urban districts**	Use of single-family dwelling to provide group residence for persons needing special accommodations (e.g., battered spouses, children in need). Conditions: (a) Dwelling exterior must maintain single-family appearance; (b) At least one adult supervisor on-site at all times; (c) No more than two adults per bedroom.

Proposed Zoning Ordinance Changes

The proposed amendment updates the definition, use permissions, development standards, and submission requirements for congregate living facilities, as discussed below. The intent of these changes is to provide greater flexibility and access to housing for individuals in need of supportive services while maintaining compatibility with surrounding land uses. There are no changes proposed to the permissions for congregate living facilities in Planned Districts.

Definition

Staff recommends a revised definition that clarifies the range of populations served to include persons experiencing homelessness; survivors of domestic violence, sexual assault, or child abuse, youth in crisis; patients or families experiencing medical crises; and facilities that do not meet the requirements of Va. Code Sect. 15.2-2291 due to the type(s) of provided services and/or the number of residents. The term "youth in crisis" is not intended to be age-restrictive but rather refers to children aging out of the foster care system, runaways, youth experiencing homelessness, or others in similar crises. The definition also

specifies that a recovery residence, which is defined in Va. Code Sect. 37.2-431.1, may be considered a congregate living facility but is not required to provide on-site supportive services or staff. These clarifications align with existing congregate living facilities and distinguish them from other similar uses.

Use Permissions

The amendment also proposes to expand where congregate living facilities may be located with a special exception by adding certain industrial districts and additional commercial districts. This expansion aims to provide greater siting flexibility, which may be beneficial for providers seeking larger sites, more affordable land, or locations near transit and community services, and may also support the adaptive reuse of vacant buildings. In nonresidential districts, the use is currently allowed with SE approval in the C-1 to C-4 Districts; this amendment would expand those same permissions (SE approval) into the C-5 to C-8 Districts and I-2 to I-4 Districts. In an effort to ensure these facilities are located in areas compatible with residential uses, the amendment does not extend permissions to the I-5 and I-6 industrial districts.

Development Standards

The proposed development standards would require congregate living facilities in commercial and industrial districts to be located within a reasonable distance of employment areas and community services. The standards would also prohibit them in areas identified as Industrial (areas 30, 31, and 32) on the Concept for Future Development map in the Comprehensive Plan. These standards would ensure compatibility with surrounding uses, ensure that residents have access to essential resources, and maintain harmony with the Comprehensive Plan. Prohibiting congregate living facilities in areas identified as Industrial on the Concept for Future Development map would also support the retention of industrial land, as recommended in the 2024 Industrial Land Trends report, and would limit congregate living facilities to locations in I districts that are planned for mixed use centers.

The proposed development standards also include a requirement to provide on-site staff and support services (other than a recovery residence). These requirements would help to ensure that the residents receive the necessary supervision, support, and assistance to improve outcomes.

Submission Requirement

Applicants would be required to provide sufficient details regarding the proposed operation of the congregate living facility. This would include information about the population that would be served and how their specific needs would be met. This information would clarify the purpose and scope of the proposed congregate living facility and confirm how the use is designed to meet the specific needs of its residents. It would also include the necessary information to assess potential land use impacts.

Summary

Overall, the proposed amendment provides flexibility in the definition of congregate living facility by identifying the potential populations that may be served and broadens where these facilities can be located by allowing them in additional nonresidential zoning districts. This expansion is paired with clear standards to ensure that proposed locations are suitable for permanent or temporary residential use,

including proximity to public transit and essential services. The intent is to encourage more diverse housing options while maintaining compatibility with surrounding land uses.

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined. The proposed changes are based on provisions of the adopted Zoning Ordinance in effect as of July 1, 2025.

Revise the definition of congregate living facility in Section 9103 with the following text shown below.

Congregate Living Facility

A facility that provides housing~~, and general care,~~ and on-site supportive services on a permanent or temporary basis~~including the provision of on-site supportive services, such as special care and treatment~~, in a supervised setting with on-site counselors or other staff. This use ~~includes facilities providing in-patient alcohol and addiction treatment and services and facilities for the care of more than eight persons with disabilities.~~ is occupied by individuals in need of such services, including but not limited to: (a) survivors of domestic violence, sexual assault, or child abuse; (b) persons experiencing homelessness; (c) youth in crisis; or (d) patients and families in medical crises. This use includes facilities that do not meet the requirements of Va. Code Sect. 15.2-2291 due to the services provided and/or the number of residents. This use also includes a recovery residence, as defined in Va. Code Sect. 37.2-431.1, that does not meet the definition of a group residential facility; such a facility is not required to provide on-site supportive services or staff. This ~~term~~ use does not include a group household ~~unit~~, group residential facility, independent living facility, medical care facility, ~~assisted living facility, specialized instruction center,~~ or any facility providing services or treatment to nonresidents of the facility.

Revise Table 4101.1 to include permissions for congregate living facilities in the C-5, C-6, C-7, C-8, I-2, I-3, and I-4 Districts.

3. Use Table for Residential, Commercial, and Industrial Districts

TABLE 4101.1: Use Table for Residential, Commercial, and Industrial Districts

P = permitted; SE = special exception; SP = special permit; blank cell = not allowed
A = allowed as accessory use only; A+ = permitted as an associated service use; AP = allowed with approval of administrative permit

Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Residential Uses																													
Group Living: uses characterized by residential occupancy by a group of persons who do not constitute a household																													

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Use	Residential Districts														Commercial Districts								Industrial Districts						Use-Specific Standards NOTE: General Standards also apply
	R-A	R-C	R-E	R-1	R-2	R-3	R-4	R-5	R-8	R-12	R-16	R-20	R-30	R-MHP	C-1	C-2	C-3	C-4	C-5	C-6	C-7	C-8	I-1	I-2	I-3	I-4	I-5	I-6	
Congregate Living Facility		SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE		SE	SE	SE			4102.3.E

Revise subsection 4102.3.E to include additional standard for congregate living facilities approved by special exception.

E. Congregate Living Facility

Standards when permitted by special exception:

(1) If a~~A~~ congregate living facility ~~that~~ has the external form and character typical of a single-family detached dwelling, it must comply with the setback requirements for a single-family detached dwelling in the zoning district in which it is located. Any other congregate living facility must be located: ~~a minimum~~ at least 100 feet from all lot lines that abut the R-1, R-2, R-3, or R-4 Districts; and 45 feet from all other lot lines;~~,~~ or as determined by the Board.

(2) A congregate living facility may not be located in an industrial area as shown on the Concept for Future Development map in the Comprehensive Plan.

(3) In commercial districts and in the I-2, I-3, I-4 districts, a congregate living facility must be located where public transportation and community services are within reasonable walking distance and employment areas are within reasonable commuting distance.

(4) A congregate living facility must provide on-site staff and support services to meet the needs of the residents, except as otherwise stated in the definition. These services may include, but are not limited to, transportation assistance, employment support, case management, and healthcare services.

Revise subsection 8101.3.D to include additional submission requirement for congregate living facilities approved by special exception. Renumber subsequent subsections.

D. Additional or Modified Submission Requirements for Specific Special Exception Applications

(7) Congregate Living Facility

An application for a congregate living facility must identify the primary population(s) served and describe how the facility will meet the needs of that group or groups by providing the following information:

(a) the maximum number of residents and on-site staff at the facility;

(b) the types of supportive services to be provided;

(c) typical length of stay;

(d) evidence of licensing if required by state code; and

(e) intake criteria for residents.